

House Bill 885

By: Representative Buckner of the 130<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to conditions of detention, so as to increase the minimum reimbursement rate paid to counties for housing state inmates; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to conditions of detention, is amended by revising subsection (c) of Code Section 42-5-51, relating to jurisdiction over certain misdemeanor offenders, designation of place of confinement of inmates, and reimbursement of counties for housing state inmates, as follows:

"(c) After proper documentation is received from the clerk of the court, the department shall have 15 days to transfer an inmate under sentence to the place of confinement. If the inmate is not transferred within the 15 days, the department ~~will~~ shall reimburse the county, in a sum equal to the average daily rate for the preceding year paid by the department to private correctional institutions for housing state inmates which amount shall not be less than \$7.50 \$45.00 per day per inmate ~~and in such an amount as may be appropriated for this purpose by the General Assembly~~, for the cost of the incarceration, commencing 15 days after proper documentation is received by the department from the clerk of the court. The reimbursement provisions of this Code section shall only apply to payment for the incarceration of felony inmates available for transfer to the department, except inmates under death sentence awaiting transfer after their initial trial, and shall not apply to inmates who were incarcerated under the custody of the commissioner at the time they were returned to the county jail for trial on additional charges or returned to the county jail for any other purposes, including for the purpose of a new trial."

1 **SECTION 2.**

2 This Act shall become effective on July 1, 2007.

3 **SECTION 3.**

4 All laws and parts of laws in conflict with this Act are repealed.